

REMARKS

I. Interview Summary

Applicant acknowledges with appreciation the time and cooperation extended by the Examiner in granting an in-person interview with Applicant's representative on October 9, 2008. During the interview, the issues raised in the Final Office Action mailed June 26, 2008, were discussed. An agreement with respect to the claims was not reached. The substance of the interview is included in the remarks below.

II. Status of the Claims

In the Office Action mailed November 14, 2008, the Examiner objected to claims 38-45; rejected claims 38-45 under 35 U.S.C. § 101; rejected claims 1-14, 17-19, 21, 22, 27, 28, 30-35, 38-42, and 45 under 35 U.S.C. § 103(a) as being unpatentable over *Partridge et al.* (U.S. Patent No. 6,160,811) in view of *Mikkonen* (U.S. Patent No. 6,885,633); and rejected claims 15, 16, 24-26,¹ 29, 36, 37, 43, and 44 under 35 U.S.C. § 103(a) as being unpatentable over *Partridge et al.* in view of *Mikkonen*, and further in view of *End, III* (U.S. Patent No. 7,185,041) ("End").

Claims 1-19, 21, 22, and 24-45 remain pending. Applicant amends claims 1, 8, 9, 10, 24, 27-31, 37, and 38-45.

III. Objection to claim 38-45

In the Office Action, the Examiner objected to claims 38-45 as being unclear. (*Office Action*, p. 3.) Applicant has amended claims 38-45 to direct the claims toward a computer-readable storage medium, which includes instructions to perform a "method

¹ Although the heading on page 10 of the Office Action does not indicate claim 24 is rejected based on *Partridge*, *Mikkonen*, and *End*, the Office Action rejects claim 24 based on these references on page 11-12.

for addressing packets in a firewall cluster within a single network.” Amended claims 38-45 clearly recite statutory subject matter. Accordingly, Applicant respectfully requests that the objection to claims 38-45 be withdrawn.

IV. Rejection of claims 38-45 under 35 U.S.C. § 101

In accordance with the Examiner’s recommendations during the in-person interview on October 9, 2008, Applicant amends claims 38-45 to recite a “computer-readable storage medium.” Amended claims 38-45 clearly recite statutory subject matter. Accordingly, Applicant respectfully requests that the rejection of claims 38-45 under 35 U.S.C. § 101 be withdrawn.

V. Rejections of claims 1-19, 21, 22, and 24-45 under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claims 1-19, 21, 22 and 24-45 under 35 U.S.C. § 103(a). A *prima facie* case of obviousness has not been established at least because the differences between the prior art and Applicant’s claims are such that it would not have been obvious for one of ordinary skill in the art at the time of the invention to modify the prior art to arrive at Applicant’s claimed invention.

In the Office Action, the Examiner indicates that the “recitation ‘a firewall cluster within a single network, the firewall cluster including a plurality of firewall nodes’ has not been given patentable weight because the recitation occurs in the preamble.” (*Office Action*, p. 2.) Applicant disagrees with the Examiner’s position. Nevertheless, in an attempt to advance prosecution, Applicant has amended the claims to add the recitation of the preamble to the body of the claims. For example, amended independent claim 1 now recites, among other things, “selecting, from the firewall cluster within the single

network, one of the firewall nodes for processing a first packet.” Applicant requests that this recitation of the claims be given full patentable weight.

As acknowledged by the Examiner, *Partridge et al.* does not teach or suggest “selecting one of the firewall nodes for processing a first packet wherein a first processor is associated with the selected firewall node.” (*Office Action*, p. 5.) Accordingly, *Partridge et al.* also does not teach or suggest “selecting, from the firewall cluster within the single network, one of the firewall nodes for processing a first packet,” “modifying, by the first processor, as a function of a multidimensional space for representing addresses processed by a set of data processors, a first address for the first packet into a second address for the first packet, the second address being within a range of addresses assigned only to the selected firewall node,” and “forwarding the first packet based on the second address,” as recited in amended claim 1.

Mikkonen and *End* do not cure the above deficiencies of *Partridge et al.* For example, *Mikkonen* relates to a method for providing fault tolerance in a network by utilizing a first node with a first network interface IP and MAC address set to the same IP and MAC address of a second network interface IP and MAC address of a second node. (*Mikkonen*, Abstract and 3:9-44.) Nowhere does *Mikkonen* disclose modifying the first address as claimed. Instead, *Mikkonen* merely discloses allowing a first node to utilize a previously inactive interface when a second node stops functioning. (*Id.* at 3:31-35.)

End relates to a “circuit and method for high-speed execution of modulo division operations.” (*End*, 1:7-8.) *End* does not teach or suggest at least “selecting, from the firewall cluster within the single network, one of the firewall nodes for processing a first

packet," "modifying, by the first processor, as a function of a multidimensional space for representing addresses processed by a set of data processors, a first address for the first packet into a second address for the first packet, the second address being within a range of addresses assigned only to the selected firewall node," and "forwarding the first packet based on the second address," as recited in amended claim 1.

Accordingly, *Partridge et al.*, *Mikkonen*, and *End*, taken individually or in any proper combination, at a minimum, fail to teach or suggest "selecting, from the firewall cluster within the single network, one of the firewall nodes for processing a first packet," "modifying, by the first processor, as a function of a multidimensional space for representing addresses processed by a set of data processors, a first address for the first packet into a second address for the first packet, the second address being within a range of addresses assigned only to the selected firewall node," and "forwarding the first packet based on the second address," as recited in amended claim 1. *Partridge et al.*, *Mikkonen*, and *End* thereby fail to teach or suggest all elements of independent claim 1.

For at least the above reasons, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and claim 1. Accordingly, the Office Action has not clearly articulated a reason as to why amended independent claim 1 would have been obvious to one of ordinary skill in view of the prior art. Therefore, a *prima facie* case of obviousness has not been established for independent claim 1. Applicant hereby respectfully requests that the rejection of claim 1 be withdrawn and the claim allowed.

Independent claims 10, 24, 27-31, 37, 38, 44, and 45, while of different scope than claim 1, distinguish over *Partridge et al.*, *Mikkonen*, and *End* for at least similar reasons as those noted above for claim 1. Accordingly, Applicant also respectfully requests the withdrawal of the rejection of independent claims 10, 24, 27-31, 37, 38, 44, and 45 under 35 U.S.C. § 103(a) and the timely allowance of the claims.

Claims 2-9, 11-19, 21, 22, 25-26, 32-36, and 39-43 depend from independent claims 1, 10, 24, 31, and 38 and therefore patentably distinguish from *Partridge et al.*, *Mikkonen*, and *End* for at least the reasons discussed above. Accordingly, Applicant also respectfully requests withdrawal of the rejection of dependent claims 2-9, 11-19, 21, 22, 25-26, 32-36, and 39-43 under 35 U.S.C. § 103(a) and the timely allowance of the claims.

CONCLUSION

Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims. The preceding remarks are based on the on the arguments presented in the Office Action and, therefore, do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The pending claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding remarks in favor of patentability are advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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